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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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IN RE: Bard IVC Filters Products Liability
Litigation,

No. MDL 15-02641-PHX-DGC

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11 Sherr-Una Booker, an individual,
12 Plaintiff,

No. CV-16-00474-PHX-DGC

13 v.
14 C. R. Bard, Inc., a New Jersey corporation;
15 and Bard Peripheral Vascular, Inc., an
16 Arizona corporation,
17 Defendants.

ORDER

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19 The parties have submitted deposition excerpts for the Court's review. This order
20 includes the Court's ruling on objections contained in some of these excerpts. The order
21 will identify objections by the number of the deposition page on which they appear. If
22 more than one objection appears on a page, the order will identify the line on which the
23 objection starts. Where an objection is sustained, the order will identify the page and
24 lines that should be omitted, but if no lines are identified, the objection is sustained with
25 respect to all designated testimony on that page.

26 A. Dr. John DeFord.

27 1. 20 – overruled.

28 2. 103:17-20 – sustained. Answer to this question not designated.

- 1 3. 106:3-7 – sustained.
- 2 4. 117 – overruled.
- 3 5. 120 – overruled.
- 4 6. 121 – overruled.
- 5 7. 129 – overruled.
- 6 8. 130 – overruled.
- 7 9. 133:7 – overruled.
- 8 10. 133:20 – overruled.
- 9 11. 135 – overruled.
- 10 12. 138 – overruled.
- 11 13. 139 – overruled.
- 12 14. 237 – overruled.
- 13 15. 238 – overruled.

14 Note: The Court has overruled a number of objections to the witness giving
15 narrative or nonresponsive answers. The Court has done so because the questioner often
16 asked lengthy, fact-laden questions, and engaged in a dialogue with the witness; the
17 questioner generally did not ask focused questions or seek focused answers, and never
18 objected to the form of the answers as nonresponsive; and objections to the form of
19 answers are waived if not made during the deposition. *See Fed. R. Civ. P. 32(d)(3)(B).*

20 B. Dr. Spyros William Stavropoulos.

- 21 1. 49 – overruled.
- 22 2. 51 – overruled.
- 23 3. 57 – overruled.
- 24 4. 63 – overruled.
- 25 5. 64 – overruled.
- 26 6. 149 – overruled.
- 27 7. 195 – overruled.
- 28 8. 198 – overruled.

1 Note: The Court overruled a number of objections to allegedly non-disclosed
2 expert opinions because the questions generally were about the doctor's own practice and
3 personal experience using IVC filters – matters the Court regards as relevant factual
4 evidence rather than expert opinion under Rule 702.

5 C. Dr. Scott Trerotola.

6 1. 19 – overruled. The opinion was requested by the question from Plaintiff's
7 counsel.
8 2. 31 – overruled.
9 3. 77 – overruled.
10 4. 80 – overruled.
11 5. 93 – overruled.
12 6. 94 – overruled.
13 7. 99 – sustained.
14 8. 105 – overruled. The question elicited the opinion.
15 9. 119 – overruled.
16 10. 127 – overruled.
17 11. 128 – overruled.
18 12. 129 – overruled.
19 13. 134 – overruled.
20 14. 135:1 – overruled.
21 15. 135:12 – overruled.
22 16. 177 – overruled.
23 17. 178 – overruled.

24 Dated this 26th day of March, 2018.

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David G. Campbell
United States District Judge